

301 KAR 2:140

Requirements for wild turkey hunting

This regulation establishes the hunting seasons, limits, and equipment restrictions under which wild turkeys may be taken.

Significant Changes

This amendment adds the .410 shotgun as a legal weapon for hunting wild turkeys. It also contains modifications to conform with administrative regulation style requirements.

1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:140. Requirements for wild turkey hunting.

5 RELATES TO: KRS 150.010, [~~150.092,~~] 150.170[~~(3)~~], 150.175, 150.305, 150.360, [~~150.365,~~
6 ~~150.390(1),~~] 150.990[~~(11)~~]

7 STATUTORY AUTHORITY: KRS 150.025(1), 150.390(1)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department
9 to promulgate administrative regulations to establish open seasons for the taking of wildlife, to
10 regulate bag limits and methods of take, and to make such requirements apply to a limited area.

11 KRS 150.390(1) prohibits the taking of [governing] wild turkeys in any manner contrary to any
12 provisions of KRS Chapter 150 or its administrative regulations [turkey hunting]. This
13 administrative regulation establishes legal methods of take and checking and recording
14 requirements [procedures] for [hunting] wild turkey hunting [to assure the continued protection
15 and conservation of wild turkey populations, and a permanent and continued supply for present
16 and future residents of the state].

17 Section 1. Definitions. (1) "Baited area" means an area where feed, grains or other substances
18 capable of luring wild turkeys have been placed.

19 (2) "Crossbow" means a bow capable of holding an arrow at full or partial draw without human
20 aid.

21 (3) "Youth" means a person under the age of sixteen (16) by the day of the hunt.

1 Section 2. Wild Turkey Season Dates and Bag Limits. (1) A person shall only ~~[not]~~ take a wild
2 turkey ~~[(1) Except on the dates and]~~ during the seasons established in ~~[times specified in]:~~

3 (a) 301 KAR 2:142;

4 (b) 301 KAR 2:144; and

5 (c) 301 KAR 2:111 ~~[: or~~

6 ~~(2) By means other than those specified in this administrative regulation].~~

7 Section 3. License and Wild Turkey Permit Requirements. Unless exempted by KRS
8 150.170~~[(3)]~~, a person hunting a wild turkey shall possess proof of purchase of a valid Kentucky
9 hunting license and ~~[a person hunting a wild turkey shall possess]~~ a:

10 (1) Valid Spring turkey ~~[hunting]~~ permit during the spring season; or

11 (2) Valid Fall turkey ~~[archery hunting]~~ permit during a ~~[the]~~ fall ~~[archery]~~ season~~[: or~~

12 (3) ~~Fall turkey gun hunting permit if hunting with a firearm or crossbow during the fall gun~~
13 ~~season].~~

14 Section 4. Harvest Recording. (1) ~~[An adult shall accompany and maintain control of a person~~
15 ~~under sixteen (16) years of age turkey hunting with a firearm.~~

16 ~~(2)]~~ Immediately after harvesting ~~[taking]~~ a wild turkey, and prior to moving the carcass, a
17 person shall[:

18 ~~(a)]~~ Record~~[:]~~ in writing the:

19 (a)~~[: the]~~ species~~[: date]~~ taken;

20 (b) Date taken;

21 (c) ~~[:]~~ county where taken; and

22 (d) ~~[: and]~~ sex of the wild turkey ~~[bird before moving the carcass from the site where]~~ taken

23 ~~[This information shall be logged and registered]~~ on ~~[one (1) of the following]:~~

1 1. The Hunter's log section on the reverse side of a license or permit;

2 2. The Hunter's log produced in a hunting guide;

3 3. A Hunter's log printed from the Internet;

4 4. A Hunter's log available from any KDSS agent; or

5 5. An index or similar card.

6 (2) A person shall ~~[or reasonable facsimile thereof; and~~

7 ~~(b)] Retain and possess~~ the completed hunter's log while the person is in ~~[his possession~~
8 ~~whenever the hunter is in]~~ the field during the current hunting season.

9 Section 5. Checking a Wild Turkey. (1) ~~[(3)]~~ A person shall check a harvested wild turkey by:

10 (a) Completing ~~[Calling 1-877-245-4263]~~ the telecheck process after calling (800) 245-4263 or
11 completing the check-in process on the department's website at fw.ky.gov:

12 1. Before midnight on the day the wild turkey is recovered ~~[harvested]; and~~

13 2. Prior to processing ~~[(b) Providing]~~ the carcass ~~[information requested by the automated check-~~
14 ~~in system]; and~~

15 ~~(b) [(e)]~~ Writing the check-in authorization number ~~[given by the system]~~ on the hunter's log as
16 established ~~[described]~~ in Section 4 of this administrative regulation.

17 (2) [(4)] A person shall:

18 (a) Not knowingly provide false information when completing the hunter's log, checking a wild
19 turkey, or creating a carcass tag; or

20 (b) Check a wild turkey before transporting it out of Kentucky.

21 ~~(3) [(5) A person taking a turkey on a Wildlife Management Area shall follow the tagging and~~
22 ~~checking requirements in 301 KAR 2:142 and 301 KAR 2:111.]~~

23 ~~(6)]~~ If a hunter transfers possession of a harvested wild turkey ~~[leaves the possession of a~~

1 hunter], the hunter shall attach to the carcass a hand-made tag_; which contains the information
2 established in paragraphs (a) through (c) of this subsection:

3 (a) A valid confirmation number;

4 (b) The_; hunter's name_; and

5 (c) The hunter's telephone [a phone] number_; to the carcass].

6 Section 6. Weapon Restrictions. ~~[5. Firearms and Archery Equipment.]~~ (1) A person [hunting
7 ~~wild turkey~~] shall only ~~[not]~~ use the weapons and ammunition established in paragraphs (a)
8 through (c) of this subsection to take a wild turkey [or carry]:

9 (a) A crossbow [rifle] or archery equipment loaded with a non-barbed broadhead which has a
10 minimum cutting diameter of seven-eighths (7/8) inch, whether:

11 1. Expandable; or

12 2. Non-expandable [handgun];

13 (b) A .410 shotgun or larger, but no larger than a ten (10) gauge shotgun ~~[or smaller~~
14 ~~than twenty (20) gauge];~~

15 (c) A shell containing Shot of size no larger than number four (4).

16 (2) A _;

17 ~~(d) Shotgun slugs;~~

18 ~~(e) A firearm during archery-only seasons;~~

19 ~~(f) Barbed broadheads;~~

20 ~~(g) Broadheads smaller than seven-eighths (7/8) inch wide;~~

21 ~~(h) Arrows with chemical treatments or attachments containing chemicals; or~~

22 ~~(i)] Crossbow shall be equipped with~~ [without] a working safety device.

23 ~~[(2) A person hunting wild turkeys may use a crossbow during firearm season.]~~

1 Section (7) Hunter Restrictions [~~6. Baiting.~~] (1) A person shall not hunt wild turkeys on a baited
2 area or by the aid of baiting:

3 (a) While bait is present; or

4 (b) For thirty (30) days after the bait has been removed.

5 (2) A person may hunt wild turkeys [~~turkey~~] on an area where grain, feed or other substance
6 exists as the result of:

7 (a) A Bona fide agricultural practice; or

8 (b) Manipulating a crop for a wildlife management purpose.

9 (3) A field shall be considered baited if grain, feed or other substance grown on the field is
10 removed and later returned to the field.

11 (4) [~~Section 7. Turkey Hunting Restrictions. (1)~~] A person hunting wild turkeys:

12 (a) May use a hand or mouth-operated call; and

13 (b) Shall not:

14 1. Use a dog to aid in taking a wild turkey during the spring season;

15 2. Hunt from a boat;

16 3. Use or possess an electronic or digital calling device;

17 4. Use a live decoy; or

18 5. Harvest [~~Take~~] a roosting turkey[~~; or~~

19 ~~6. Hunt with a crossbow without a working safety device~~].

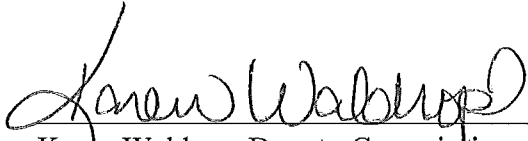
20 (5) [(2)] In an area open to wild turkey hunting and where wild turkeys are reasonably expected
21 to occur, A person shall not mimic the sound of a wild turkey from:

22 (a) March 1 until the opening of the youth turkey [~~spring~~] season; and

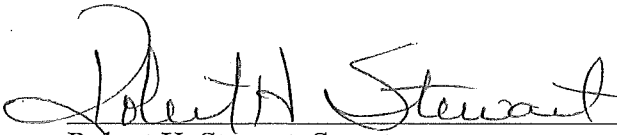
23 (b) The close of the youth turkey season and the opening of the statewide turkey season [~~in an~~

- 1 ~~area open to hunting if turkeys are reasonably expected to occur].~~
- 2 (6) An adult shall accompany and maintain control of a youth who is hunting wild turkeys with a
- 3 firearm.

Approved by the Fish and Wildlife Commission



Karen Waldrop, Deputy Commissioner, for
Gregory K. Johnson, Commissioner
Department of Fish and Wildlife Resources



Robert H. Stewart, Secretary
Tourism, Arts and Heritage Cabinet

10/13/14
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 21, 2014, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made available unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by close of business December 1, 2014.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Kentucky Department of Fish and Wildlife Resources
1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-7109, Ext. 4507 FAX (502) 564-9136
Email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 2:140. Requirements for wild turkey hunting.

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the hunting seasons, limits, and equipment restrictions under which wild turkeys may be taken.

(b) The necessity of this administrative regulation: To establish wild turkey hunting season requirements and methods of take to provide reasonable hunting opportunity, while properly managing turkey populations in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations to establish open seasons for the taking of wildlife, regulate bag limits, and to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of wild turkeys in any manner contrary to any provisions of Chapter 150 or its regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in administering the above statutes by defining seasons, bag limits, and methods of take used to manage wild turkeys in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment adds the .410 shotgun as a legal weapon for hunting wild turkeys. It also contains modifications to conform with administrative regulation style requirements.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to maximize hunter opportunity without negatively impacting the wild turkey resource.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All hunters that pursue wild turkeys will be affected by this regulatory amendment. In 2013, there were 24,724 Turkey Permits sold in Kentucky. There were an additional 66,239 Sportsman Licenses sold in 2013; those also allow the take of wild turkeys.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Hunters will be allowed to use .410 shotguns while hunting wild turkeys. Current weapon restrictions prohibit the use of shotguns that are smaller than twenty (20) gauge.

(b) In complying with this administrative regulation or amendment, how much will it cost each

of the entities identified in question (3): There will be no direct cost to hunters as a result of this amendment to the administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Hunters will now be able to use .410 shotguns to hunt wild turkeys.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no administrative cost to the department to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any other fees or to increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees established or increased.

(9) TIERING: Is tiering applied? (Explain why or why not)

No. Tiering was not used because all persons who hunt wild turkeys are required to abide by the same seasons, methods of take, bag limits, harvest recording procedures, and checking requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 2:140
Contact Person: Rose Mack
Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) and 150.390(1).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amount of revenue generated by this administrative regulation for the first year is expected to be stable to slightly increasing.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amount of revenue generated by this administrative regulation for subsequent years is expected to be stable to slightly increasing.

(c) How much will it cost to administer this program for the first year? There will be no administrative cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no administrative cost incurred in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): This amendment may generate some additional revenue as increased hunter opportunity could produce additional license and permit sales.

Expenditures (+/-): None.

Other Explanation: